

Should hospitality businesses use Disclaimers?

If the Food Hypersensitive [FHS] customers sign's a disclaimer, will it stop me being prosecuted?

When you ask the FHS customer to sign a disclaimer, before viewing your menu, or before you will acknowledge or serve them it is important to understand that when they have signed, it does not take away your responsibility to serve them a safe meal. The signed disclaimer would not stand up in a court of law and is not a legally binding document as highlighted by the FSA in a tweet below



Food Standards Agency @foodgov · Mar 5, 2019

Replying to @iMuslimah2010

Hello. We don't support the use of **allergen disclaimers** by businesses as it's not a legally binding document. Food businesses have the legal obligation to provide safe food for all. Thanks, MC

When should you make a disclaimer statement!

We would always advise that businesses carry out a thorough risk assessment appropriate to their menu and dishes produced. There will be situations when a business will not be able to provide for certain types of allergens due to the nature of their menu. e.g.: if a restaurant produces pizzas from scratch and bread crostini type products and they have flour/crumbs round the kitchen and in the air. In this situation it would not be advisable to serve someone with coeliac, however there is a way to positively communicate or recommend a local business nearby who can assist.

Venues do not have to provide for every diet, they do however businesses have a legal responsibility to have full allergen information on the #14 allergens and retain labelling information on all their ingredients

Do you allow someone to bring their own food or just have a drink – This is something as a business you would need to decide and add into your food safety management policy!

Good practice avoids the use of disclaimers

When communicating to the FHS customer it is a good practice to explain to them your processes when preparing their requests. If you have a procedure for their customer journey, then explain how this works also.

Avoid stating that '*your foods could contain ALL allergens*' this would indicate that you do not have safe practices and although the law states hospitality needs to highlight the #14 major allergens, there are over 250 foods which can potentially cause a reaction.

If you **do not** have certain allergenic foods in your kitchen do not over state their risks in cover all statements if there is none!

Positive communication

When explaining to a FHS customer, be wary of hiding behind the Law as a get out when it is a company policy.

However, by law, we can't guarantee that no gluten will be present and in the event that your wife decides to dine with us, she will need to sign a form which our insurance company has asked to have signed.

Ensure you '*Listen to understand and not just the intent to reply*'

Repeat back the customer's allergens to ensure you have captured their requirements.

Don'ts

Be wary of how you communicate to the FHS customer, and their carer. It is not appropriate to come out with statements similar to "*We don't want to kill you*" when discussing the customers' requirements. The FHS customer does not want their child to overhear a worse case scenario when they dine out!

When given detailed information on how their requests will be managed the FHS customer will decide whether they will stay or not and how they react to your explanation, social media can be your enemy if you do not respond appropriately.

<https://foodallergyaware.co.uk/resources/factsheets/>